

Message Text

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FM AMEMBASSY NASSAU

TO SECSTATE WASHDC 6586

INFO USMISSION GENEVA

AMEMBASSY MEXICO

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E. O. 11652: N/A

TAGS: EFIS BF US

SUBJ: SPINEY LOBSTER

REF: STATE 68521

PASS ASSISTANT SECRETARY CLINGAN, USDEL TO LOS CONF

1. PURSUANT TO TELCONS BETWEEN EMBASSY AND DEPARTMENT FOLLOWING RECEIPT REFTEL, FOLLOWING IS TEXT OF NOTE DELIVERED BY EMBASSY TO GCOB MINEXTAFF APRIL 2.

2. BEGIN TEXT (COMPLIMENTARY OPENING) AND HAS THE HONOR TO REFER TO THE MINISTRY'S NOTE NO. 31, DATED MARCH 17, 1975, CONCERNING "THE RECENT ENACTMENT OF LEGISLATION BY THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS RELEVANT TO THE EXERCISE BY GOVERNMENT OF SOVEREIGNTY OVER THE RESOURCES OF THE CONTINENTAL SHELF APPURTENANT TO THE COMMONWEALTH OF THE BAHAMAS."

THE EMBASSY REFERS TO PRIOR COMMUNICATIONS WITH THE MINISTRY ON THIS SUBJECT BEGINNING WITH A CONVERSATION ON DECEMBER 2, 1974, BETWEEN THE MINISTER OF EXTERNAL AFFAIRS AND THE AMBASSADOR IN WHICH THE AMBASSADOR STRESSED THE IMPORTANCE WHICH
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THE UNITED STATES GOVERNMENT ATTACHES TO THIS ISSUE AND TO THE MUTUAL INTEREST OF OUR TWO GOVERNMENTS IN AVOIDING POTEN-

TIALLY SERIOUS PROBLEMS ARISING FROM ENFORCEMENT OF THE RECENT LEGISLATION. IT IS THE EMBASSY'S RECOLLECTION THAT DURING THAT SAME CONVERSATION THE AMBASSADOR AND THE MINISTER DISCUSSED THE DESIRABILITY OF UTILIZING THE TIME PRIOR TO THE LIKELY DATE OF PRACTICAL ENFORCEMENT OF THE NEW REGULATIONS IN CLARIFYING THE IMPLICATIONS OF THE PROVISIONS. IT IS ALSO THE EMBASSY'S RECOLLECTION THAT IT WAS AGREED THAT A LOGICAL FIRST STEP IN DISCUSSING THIS ISSUE WOULD BE AN EXCHANGE OF TECHNICAL INFORMATION ON THE NATURE OF THE LOBSTER RESOURCE AND MEASURES WHICH WOULD ASSURE ITS CONTINUED LONG-TERM VALIDITY. SUBSEQUENT TO THIS CONVERSATION THERE WERE FURTHER COMMUNICATIONS BETWEEN THE MINISTRY AND THE EMBASSY IN WHICH A DRAFT AGENDA FOR SUCH TECHNICAL DISCUSSIONS WAS SUBMITTED BY THE EMBASSY AND TO WHICH THE MINISTRY RESPONDED THAT THE AGENDA WAS BEING CONSIDERED BUT THAT THE PROPOSED FEBRUARY 1975 DATE FOR COMMENCEMENT OF DISCUSSIONS WAS PREMATURE.

IN LIGHT OF THE ABOVE BACKGROUND, THE EMBASSY RESPECTFULLY REQUESTS OF THE MINISTRY THE FOLLOWING CLARIFICATIONS CONCERNING THE MINISTRY'S NOTE NO. 31 OF MARCH 17, 1975:

1. TAKING INTO CONSIDERATION THE DECEMBER 2, 1974 CONVERSATION BETWEEN THE MINISTER AND THE AMBASSADOR REGARDING THE MUTUAL ADVANTAGES TO BE GAINED BY HOLDING DISCUSSIONS ON THE ISSUES PRESENTED BY THE RECENT LEGISLATION PRIOR TO THE DATE ON WHICH ACTUAL ENFORCEMENT OF THE LEGISLATION WAS TO COMMENCE IN ORDER TO AVOID POTENTIALLY SERIOUS PROBLEMS, DOES IT CONTINUE TO BE THE VIEW OF THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS THAT SUCH DISCUSSIONS WOULD BE DESIRABLE? IF SO, WHEN WOULD THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS PROPOSE THAT SUCH DISCUSSIONS COMMENCE?

2. SUPPLEMENTARY TO THE QUESTION PRESENTED IMMEDIATELY ABOVE, DOES THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS PLAN, PENDING SUCH DISCUSSIONS, TO EXTEND TO UNITED STATES VESSELS AN INTERIM PERIOD DURING WHICH FULL IMPLEMENTATION OF THE NEW PROVISIONS WILL BE DELAYED?

3. IS IT THE INTENTION OF THE GOVERNMENT OF THE COMMON-
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WEALTH OF THE BAHAMAS TO INDICATE TO THE EMBASSY THE GOVERNMENT'S VIEW OF THOSE AREAS TO WHICH THE RECENT LEGISLATION WOULD APPLY? HOW WOULD THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS PROPOSE TO AVOID POSSIBLE DIFFICULTIES REGARDING THE GEOGRAPHIC APPLICATION OF ITS REGULATIONS PENDING MULTILATERAL AGREEMENT ON THE QUESTION OF LIMITS OF JURISDICTION AT THE LAW OF THE SEA CONFERENCE AND BILATERAL AGREEMENT, AS NECESSARY, ON THE QUESTION OF DELIMITATION OF SUCH JURISDICTION BETWEEN THE COMMONWEALTH OF THE BAHAMAS AND THE UNITED STATES OF AMERICA?

THE GOVERNMENT OF THE UNITED STATES OF AMERICA BELIEVES, AS PREVIOUSLY EXPRESSED BY THE AMBASSADOR TO THE MINISTER, THAT EVERY EFFORT SHOULD BE MADE TO DISCUSS BILATERALLY AND AT THE EARLIEST POSSIBLE MOMENT THE INTENT AND POSSIBLE RAMIFICATIONS OF THE RECENT LEGISLATION. SUCH A MEETING WOULD PROVIDE THE OPPORTUNITY TO DISCUSS THE ABOVE QUESTIONS AND OTHERS WHICH MAY ARISE AS A RESULT OF THE RECENT LEGISLATION REGARDING SPINEY LOBSTER. THE EMBASSY WOULD ALSO NOTE THAT WHEN A PRACTICAL PROBLEM EXISTS, IT HAS BEEN THE GENERAL PRACTICE OF NEIGHBORING COUNTRIES IN THE AREA, INCLUDING THE UNITED STATES, TO DELAY THE APPLICATION OF NEW AND MORE EXTENSIVE FISHERIES CONTROLS TO EACH OTHER'S FISHERMEN PEDNING MUTUALLY SATISFACTORY AGREEMENT. CONSIDERING THE LIKELY RESULTS OF THE LAW OF THE SEA CONFERENCE, SUCH POLICIES MAY IN THE FUTURE BE OF PARTICULAR IMPORTANCE TO THE REGION. WITH THE DEEPEST RESPECT THE UNITED STATES GOVERNMENT THEREFORE URGES THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS TO JOIN IN BILATERAL DISCUSSIONS WITHOUT DELAY. THE AMBASSADOR AND HIS STAFF ARE AT THE DISPOSITION OF THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS TO ASSIST IN ANY WAY IN PREPARATIONS FOR BILATERAL DISCUSSION OF THIS IMPORTANT ISSUE.

(COMPLIMENTARY CLOSE) END TEXT.
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